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SUBJECT: RUSSIA'S DISCRIMINATING APPROACH TO PUBLIC RALLIES

REF: MOSCOW 04906

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SUMMARY

1. (SBU) Separate events over the weekend of October 7 reveal the limits to public expression and assembly in Russia. While a 10,000-person celebratory rally in commemoration of Putin's birthday was facilitated, and a 500 gathering marking the one-year anniversary of Politkovskaya's murder was carefully circumscribed but tolerated by the Moscow authorities, regional officials moved in quickly to cancel a separate event honoring Politkovskaya in Nizhniy Novgorod -- temporarily detaining five foreign NGO representatives in the process. Government human rights officials agree that there is no consistency in the application of the law on public assembly, with Human Rights Ombudsman Lukin submitting a report to the Duma critical of Russian practices. We continue to express our concern over the restrictions on public assembly to senior GOR and human rights officials. End Summary.

Anniversary of Politkovskaya Murder

2. (U) October 7 was the one-year anniversary of the murder of investigative journalist Anna Politkovskaya. A rally to mark the anniversary was organized by the Russian People's Democratic Party, a political movement lead by former Prime Minister Mikhail Kasyanov, and several NGOs. The event in central Moscow attracted hundreds of people (variously estimated at 200-700) on a rainy, chilly afternoon. Kasyanov was joined on stage at the event by Novaya Gazeta Editor Dmitriy Muratov and Lyudmila Alexeyeva, leader of the Moscow Helsinki Group. All three used the opportunity to criticize authorities for their failure to solve the case. (See reftel for status report on investigation.) Following the rally, a smaller group of participants walked to Politkovskaya's apartment where they laid flowers. Patrolling the rally were hundreds of young army soldiers, joined by special forces and police. Reinforcements stood in formation, while others waited on buses parked near by. News media estimated the total deployment at 800-2,500. (Note: A much lower number than at past rallies.)

3. (U) Authorities had given approval for a rally of 500 participants to take place on Sunday. Permission was not given for the walk to Politkovskaya's apartment. Despite the unauthorized walk to the apartment, events proceeded without

incident.

Putin's Birthday

¶4. (U) Across the city another rally in honor of the 55th birthday of President Putin was held simultaneously. Organized by the pro-Kremlin youth movement "Nashi," it included a march along the Moscow River near the Kremlin by an estimated 10,000 activists carrying banners and flags. According to the media, Nashi also placed more than 1,000 Russian flags throughout Moscow including on top of the Moscow State University building and the Hotel Ukraine, among the tallest buildings in the city. The march was followed by a presentation of gifts to the President at the Kremlin, the first such birthday event to take place at the Kremlin during Putin's two terms. The President invited the permanent members of the Russian Security Council and the leadership of the armed forces to the Kremlin for the occasion. He used the opportunity to speak about the need to bolster the military.

Problems in Nizhniy Novgorod

¶5. (U) In Nizhniy Novgorod, an international conference that was to take place in honor of Politzkovskaya did not go forward when the offices of the Fund to Promote Tolerance (the former Russian-Chechen Friendship Society), which organized the conference, were raided by police and their computers seized. Five foreign (from Spain, Germany and Great Britain) human rights activists were detained, reportedly because they had not registered with local authorities, as required by law. They were later fined and released. Stanislav Dmitrievskiy and Oksana Chelysheva of the Fund to Promote Tolerance were questioned. Participants found their

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hotel room reservations had been canceled and the organizers were denied space to hold a press conference. Earlier, a Russian bank that was holding money to pay for the conference refused to transfer the money to the organizers.

The Right of Freedom of Assembly

¶6. (U) In response to concerns over Russia's adherence to the constitutional right to hold peaceful assemblies, meetings, demonstrations, processions and picketing, Ombudsman Vladimir Lukin recently submitted an analysis of the implementation of the law "On Assemblies, Meetings, Demonstrations, Processions and Picketing," to the State Duma. Lukin found that the law, although a "step in the right direction," is not easy to implement and authorities have been able to use technical reasons to deny permission for holding public events. Lukin suggested that in the future, civil society and government should come to consensus on the need for legally binding and uniform provisions for imposing a ban on public actions. By doing so, he argued that authorities could ban a public action instead of bending the law to do so "as routinely happens today." On the other hand, by setting uniform provisions, organizers of public assemblies could be better equipped legally to challenge a ban in court. Lukin's bottom line is that "organizers of peaceful public assemblies have to display readiness for truly constructive cooperation with the authorities" and "it is equally essential that regulatory authorities do not abuse the notification procedure as an instrument of imposing a ban on public assemblies."

¶7. (SBU) William Smirnov, executive secretary of the Human Rights Council of the President of the Russian Federation told us there is no consistency in the application of the law on peaceful assembly. According to him, the law is fine. The bigger problem today is the way in which regional and local

authorities prevent public events from occurring in the first place by employing "soft methods," such as making venues unavailable or keeping people from arriving in time for an event. While these tactics have replaced overt use of force in disrupting public gatherings, as was witnessed for example in St. Petersburg during the 2006 G8 summit and at marches organized by Other Russia, the end result is the same. According to Smirnov the over-reaction of authorities to the threat of public gatherings has harmed Russia's reputation. There needs to be better understanding of the law and better training of police, he said.

Comment

18. (SBU) As the October 7 celebration of Putin's birthday and the Nizhniy Novgorod crackdown further indicate, the right of public expression and assembly depends upon the popularity of one's views in ruling circles. It still remains the case that regional authorities "over fulfill the plan" in attempting to meet the expectations of the Kremlin, and the relative "hands-off" approach to the Moscow Politkovskaya gathering did not filter out to the provinces. We will continue to reinforce our concerns on the constraints to public expression to the GOR and government human rights officials.
Burns